HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.13663 of 1998

Dated 21st day of February, 2007

Between:

D. Sampuranamma and another ..
Petitioners

And

The Mandal Revenue Officer,
Vontimitta, Cuddapah District
and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in trying to dispossess the petitioners from Plot Nos.8 and 7 respectively in S.No.2106/2 situated in Kothamadhavaram village by cancelling their possession certificates issued by him in his proceedings dated 29.12.1995 without considering their explanation, as arbitrary and illegal.

The brief facts of the case are that as the petitioners' lands were submerged in Somasila project they occupied the government lands situated in S.No.2106/2, and the Mandal Revenue Officer also issued possession certificates establishing their possession in Plot Nos.8 and 7 respectively. Subsequently, the Mandal Revenue Officer issued a Notice dated 6.12.1997 calling for the petitioners' explanation as to why their possession certificates should not be cancelled on the ground that they have not constructed any pucca houses in the plots. Pursuant to the notice, the petitioners gave their explanation. Now, the petitioners' grievance is that the Mandal Revenue Officer, without assigning any reasons whatsoever and without affording any opportunity to put forth their grievance, cancelled their possession certificates and is attempting to dispossess them from their plots.

Heard the learned counsel for both the parties.

Admittedly, the plots, which were occupied by the petitioners, belong to the government and they have no right whatsoever over them. Maybe it is true that their lands were submerged, but it does not mean that they can occupy the lands belonging to the government. However, as the Mandal Revenue Officer issued possession certificates, this Court deems it appropriate to direct the Revenue

Divisional Officer to consider their case sympathetically and pass appropriate orders if it is possible to allow them to continue in possession. Before passing such orders, the petitioners may be given an opportunity of being heard. Having regard to the fact that this Court granted stay of dispossession of the petitioners from thei plots, this interim stay shall continue pending consideration of the matter.

With the above direction, this writ petition is disposed of. No costs.

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21.02.2007

bcj